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[Text]

Preamble

The Democratic Constituent Congress, calling upon Almighty God, obeying the will of the Peruvian people, and commemorating the sacrifice of all of our nation's preceding generations, has resolved to enact the following Constitution:

POLITICAL CONSTITUTION OF PERU

Section I

Concerning the Individual and Society

Chapter I

Fundamental Rights of the Individual

Article 1

The protection of the individual and respect for his dignity are the supreme goal of society and the government.

Article 2

Every individual has the right:

1. to life, his identity, his physical, psychological, and moral integrity, and his free fulfillment and well-being. Such rights exist from the time of conception in all ways that are beneficial.

2. to equality before the law. No one may be discriminated against because of his origin, race, sex, language, religion, opinion, economic status, or any other reason.

3. to freedom of conscience and religion, individually or as a member of a group. No one may be persecuted for his ideas or beliefs. There is no such thing as a crime of opinion. No restriction may be placed on the public expression of one's beliefs provided such expression does not constitute an offense against morals or a disturbance of the peace.

4. to freedom of information, opinion, expression, and the dissemination of thought through the spoken or written word or in images, by any means of social communication, and without previous authorization, censorship, or impediment whatsoever, in accordance with the law.

   Crimes committed by means of books, the press, or other media of social communication are outlined in the Penal Code and will be tried in a court of law.

   Any action that suspends or closes any organ of expression or prevents its free circulation also constitutes a crime. The right to inform and express opinions includes the right to found means of communication.

5. to request without being required to show cause and to receive from any public entity any information that is required, within the time legally specified and at cost. Exception is hereby made of information affecting personal privacy and that expressly excluded by law for reasons of national security.

   Banking secrecy and confidentiality concerning taxes may only be lifted at the request of a judge, the prosecutor general, or a congressional investigative commission in accordance with the law and provided that such information relates to the case.

6. to assurance that information services, whether or not they are computerized, public or private, will not release information affecting one's personal and family privacy.

7. to his honor and good reputation, personal and family privacy, and his own voice and image.

   Any person affected by inaccurate or injurious statements contained in any medium of social communication has the right to demand correction free of charge immediately and proportionate to the wrong, other legal responsibilities notwithstanding.

8. to freedom of intellectual, artistic, technical, and scientific creation, as well as ownership of such creations and the profits derived therefrom. The government provides access to culture and promotes its development and dissemination.

9. the inviolability of his home. No one may enter the home or conduct any investigation or search without authorization from the inhabitant or a court warrant except in the case of flagrante delicto or very grave danger of the same. Exceptions for reasons of health or serious risk are governed by law.

10. to the inviolability and secrecy of private documents and communications.

    Communications, telecommunications, or documents stemming therefrom may only be opened, seized, intercepted, or tapped with a bench warrant and all the guarantees set forth by law. Confidentiality must be maintained regarding all matters not related to the cause of the search.

    Private documents obtained in violation of this precept are legally inadmissible.

    Books, receipts, and accounting and administrative documents are subject to inspection or auditing by the proper authorities in accordance with the law. Any action taken involving them may not include their removal or seizure without a court order.

11. to choose his place of residence, to travel throughout the national territory and to leave and enter it, except in the case of restrictions for reasons of health or with a legal warrant or in application of the law governing aliens.

12. to assemble peacefully without arms. Meetings on private premises or those open to the public require no previous notice. Those held in public squares and thoroughfares require advance notification of authorities, who may prohibit them solely for demonstrated reasons of public health or safety.

13. to form associations and establish foundations and various forms of legal organization for nonprofit purposes with no previous authorization and in accordance with the law. Such organizations may not be dissolved by an administrative resolution.

14. to make legal contracts provided they do not violate laws governing the public order.

15. to work freely, in accordance with the law.

16. to own and inherit property.

17. to participate, individually or as a member of an organization, in the political, economic, social, and cultural life of the nation. In accordance with the law, citizens have the right to elect, remove or recall officials by a legislative initiative or referendum.

18. to keep his political, philosophical, religious, or any other type of convictions private and to maintain professional confidentiality.

19. to his ethnic and cultural identity. The government recognizes and protects the ethnic and cultural plurality of the nation.

    Any Peruvian unable to express himself in Spanish has the right to use his own language before any authority through an interpreter. Foreigners enjoy the same right when summoned before any authority.

20. to submit petitions in writing, individually or collectively, to the proper authorities, who are required to respond to the party in question, also in writing, within the legally prescribed time and who may be held liable.

    Members of the Armed Forces and National Police may only exercise the right of petition individually.

21. to his nationality. No one may be deprived of it. Nor may any individual be deprived of the right to obtain or renew his passport inside or outside the national territory.

22. to peace, tranquillity, enjoyment of leisure time and rest, as well as to a balanced and suitable environment within which he may conduct his life.

23. to self-defense.

24. to personal freedom and security. Consequently:

    a) No one may be required to do anything not ordered by law or prevented from doing what the law does not prohibit.

    b) No restriction whatsoever may be placed on personal freedom except where prescribed by law. Slavery, servitude, and trading in human beings in any form are prohibited.

    c) No one may be imprisoned for debts. This principle does not restrict court orders for failure to provide food.

    d) No one may be tried or convicted for an act or omission which, when committed, was not previously classified by law, expressly and unequivocally, as a punishable offense, or be given a penalty not provided for by law.

    e) Every person is considered innocent until proven guilty in a court of law.

    f) No one may be arrested without a written warrant issued by a judge for cause or by police authorities in cases of flagrante delicto.

    The individual placed under arrest must be turned over to the proper court within 24 hours or within the time needed to travel a given distance.

    Exception is made in the case of terrorism, espionage, and illegal drug trafficking. In such cases, police officials may make a preventive arrest of those presumed to be involved for a period not to exceed two weeks. They must notify the Ministry of Justice and the judge, who may assume jurisdiction before that period of time expires.

    g) No one may be held incommunicado except when it is deemed indispensable in order to clear up a crime and, in that case, only in the manner and for the time prescribed by law. The authority is required to indicate, without delay and in writing, the place where the individual under arrest is being held.

    h) No one may be the victim of moral, physical, or psychological violence or be subjected to torture or inhumane or humiliating treatment. Anyone may immediately request a medical examination of the person wronged or prevented from appealing to the authorities himself. Statements obtained by violence are invalid. Anyone resorting to violence will be held liable.

Article 3

The enumeration of rights established in this chapter does not exclude any others guaranteed by the Constitution, those of an analogous nature or based on the dignity of man, the principles of the sovereignty of the people, the democratic state of law, and the republican form of government.

Chapter II

Social and Economic Rights

Article 4

The community and the government extend special protection to any abandoned child, adolescent, mother, or aged person. They also protect the family and promote marriage. They recognize the latter as natural, fundamental institutions of society.

The form of marriage and grounds for separation and dissolution are governed by law.

Article 5

The stable union of a man and woman free of any matrimonial impediment who establish a home results in a joint estate to be governed by the system of community property insofar as it is applicable.

Article 6

It is the purpose of the national policy on population to encourage and promote responsible parenting by the father and mother. It recognizes the right of families and individuals to decide. The State therefore provides suitable education and information programs and access to the media, provided they do not harm life or health.

It is the duty and right of parents to nourish, educate, and provide security for their children, just as children have the duty to respect and aid their parents.

All children have equal rights and duties. Any mention of the civil status of the parents or the type of relationship of the children in civil records or any identification document is prohibited.

Article 7

Everyone has the right to protection of his health and of the family environment and community and a duty to contribute to the betterment and defense. Anyone unable to take care of himself because of a physical or mental deficiency has the right to respect for his dignity and to a legal system of protection, care, rehabilitation, and security.

Article 8

The government fights and sanctions illegal drug trafficking. It also regulates the use of social evils.

Article 9

The government determines national health policy. The Executive Branch regulates and oversees its application. It is responsible for designing and directing it in a pluralistic, decentralizing manner in order to guarantee everyone equal access to health services.

Article 10

The government recognizes the universal and progressive right of every individual to social security for his protection from the contingencies defined by law and in order to improve his quality of life.

Article 11

The government guarantees free access to health care and retirement through public, private, or joint public-private agencies. It also oversees their efficient operation.

Article 12

Social security funds and reserves are intangible. Resources are used in the manner and within the framework of responsibility set forth by law.

Article 13

The purpose of education is the integral development of the human person. The government recognizes and guarantees free education. Parents have the duty to educate their children and the right to choose their schools and to participate in the educational process.

Article 14

Education promotes knowledge, apprenticeship and the practice of the humanities, science, technology, the arts, physical education, and sports. It prepares for life and work and promotes solidarity.

It is the government's duty to promote the country's scientific and technological development.

Ethical and civic training and the teaching of the Constitution and human rights are compulsory throughout the civilian or military educational process. Religious education is imparted with respect for freedom of conscience.

Education is given at all levels in accordance with constitutional principles and for the purposes of the educational institution in question.

The media of social communication must cooperate with the government with respect to education and moral and cultural training.

Article 15

Teaching in public schools is a public service career. The law sets forth the requirements for serving as a director or teacher in a school, as well as their rights and obligations. The government and society will ensure their continuing evaluation, training, professionalization, and advancement.

The student has the right to an education that respects his identity and to proper physical and psychological treatment.

Any individual or corporate entity has the right to promote and operate educational institutions and to transfer the ownership of such institutions in accordance with the law.

Article 16

Both the system of education and the regulations governing it are decentralized.

The government coordinates education policy. It drafts the general guidelines of study programs. It oversees compliance with them and the quality of education.

It is the duty of the government to ensure that no one is prevented from receiving an adequate education for reasons relating to his economic status or because of mental or physical limitations.

Education enjoys priority in the allocation of regular funds budgeted by the government.

Article 17

Preschool, primary, and secondary education are compulsory. Education at public institutions is free. At public universities, the government guarantees a free education to students who continue to perform in a satisfactory manner and who do not have the economic resources needed to cover the cost of education.

In order to guarantee the broadest choice in education and help those who cannot pay for their own education, the law sets forth the manner of subsidizing private education in any of its forms, including communal and cooperative.

The government promotes the establishment of schools wherever the people need them.

The government guarantees the eradication of illiteracy. It also promotes bilingual and intercultural education in accordance with the individual characteristics of each zone. It preserves the country's various cultural and linguistic manifestations. It promotes national integration.

Article 18

The purpose of a university education is professional training, the dissemination of culture, intellectual and artistic creativity, and research in science and technology. The government guarantees academic freedom and rejects intolerance.

Universities are funded by private or public entities. The law establishes the terms for authorizing their operation.

A university is a community comprised of the faculty, students, and alumni. The sponsors' representatives also participate in it, in accordance with the law.

Every university is autonomous in terms of its regulations and system of academic, administrative, and economic government. Universities are governed by their own statutes in accordance with the Constitution and the law.

Article 19

Universities, institutes of higher education, and other educational establishments founded in accordance with the law are exempt from any tax, direct or indirect, levied on the assets, activities, and services relating to their educational and cultural purposes. In terms of import duties, a special system of allocation may be set up for specific assets.

Donations and scholarships for educational purposes will be exempt from taxes and enjoy tax benefits in the manner and within the limitations prescribed by law.

The law sets forth the tax provisions that will govern the institutions in question, as well as the requirements and terms to be met by cultural centers, which may, on an exceptional basis, enjoy the same benefits.

Private educational institutions that generate revenue legally defined as profits may be subject to income taxes.

Article 20

Professional schools are autonomous institutions enjoying legal status. The law defines cases in which the formation of an association is required.

Article 21

Archeological fields and remains, constructions, monuments, collections, sites, art objects, tokens of historical value, expressly declared to be cultural assets and those provisionally presumed to be the same, are the cultural patrimony of the nation, independently of whether they are privately or publicly owned. They are protected by the government.

The law guarantees ownership of this patrimony.

In accordance with the law, it promotes private participation in its preservation, restoration, display, and dissemination, as well as its restitution if taken outside of the national territory illegally.

Article 22

Work is a right and duty. It is the very basis of social well-being and the means of individual fulfillment.

Article 23

Work in its various forms is a matter of prime concern to the government, which provides special protection for mothers, minors, and disabled persons.

The government fosters conditions for social and economic progress, particularly through policies aimed at promoting productive employment and job training.

No working relationship can limit the exercise of constitutional rights or fail to recognize or violate the dignity of workers.

No one may be forced to work without pay or without his free consent.

Article 24

The worker has the right to fair and adequate pay that will provide material and spiritual well-being for him and his family.

Payment of the worker's wages and social benefits has priority over any other obligation of the employer.

Minimum wages are regulated by the government with the participation of organizations representing workers and employers.

Article 25

The regular work schedule is eight hours a day or 48 hours a week maximum. In the case of cumulative or atypical schedules, the average number of hours worked during an equivalent period may not exceed that maximum.

Workers have the right to weekly and annual paid vacations. This benefit and compensation for it are regulated by law or agreements.

Article 26

The working relationship must respect the following principles:

1. equal opportunity and nondiscrimination;
2. the inalienability of rights recognized by the constitution and the law; and
3. in case of insurmountable doubt concerning the meaning of a regulation, interpretation in the worker's favor.

Article 27

The law grants the worker suitable protection against arbitrary dismissal.

Article 28

The government recognizes the right to form unions, to engage in collective bargaining, and to strike. It ensures their democratic exercise:

1. It guarantees trade union freedom.
2. It fosters collective bargaining and promotes the peaceful solution of labor disputes.

Collective agreements are binding in the area for which they are made.

3. It regulates the right to strike so that it will be exercised in keeping with the social interest. It defines exceptions and limitations.

Article 29

The government recognizes the right of workers to participate in company profits and promotes other forms of participation.

Chapter III

Concerning Political Rights and Duties

Article 30

Peruvians over the age of 18 are citizens. In order to exercise their citizenship, they must register to vote.

Article 31

Citizens have the right to participate in public affairs through the referendum, legislative initiative, the recall or removal of officials, and the right to hold the latter accountable. They have the right to be elected and to elect their representatives freely in accordance with the conditions and procedures set forth by organic law.

It is the right and duty of residents to participate in the municipal government in their jurisdiction. The law governs and fosters both direct and indirect mechanisms for their participation.

Citizens have the right to vote by virtue of their legal status.

Voting is personal, equal, free, secret, and compulsory up to the age of 70. It is optional thereafter.

Any act prohibiting or restricting a citizen from exercising his rights is null and punishable by law.

Article 32

The following may be subject to a referendum:

1. total or partial reform of the constitution;
2. approval of norms having the force of law;
3. municipal ordinances; and
4. matters relating to the decentralization process.

Neither the elimination or curtailing of fundamental rights of the individual, nor tax and budget regulations, nor international treaties in effect may be subject to a referendum.

Article 33

The exercise of one's citizenship may be suspended by:

1. a legal resolution acting as a ban;
2. a ruling establishing the loss of freedom; and
3. a sentence entailing disqualification from political rights.

Article 34

Members of the Armed Forces and the National Police on active duty may not vote or be elected. No other disqualification exists or may be created.

Article 35

Citizens may exercise their rights individually or through political parties, movements, or alliances in accordance with the law. Such organizations help form and express the will of the people. Their registration in the proper district constitutes legal status.

The law establishes standards aimed at ensuring the democratic operation of political parties and transparency regarding the source of their financial resources and access to the media owned by the government, proportionate to the results of the last general election.

Article 36

The government recognizes political asylum. It accepts the status extended by the government granting asylum. In the case of deportation, the individual granted asylum will not be turned over to the country whose government is pursuing him.

Article 37

Extradition may be granted only by the Executive Branch upon the recommendation of the Supreme Court, in compliance with the law and treaties and based on the principle of reciprocity.

Extradition will not be granted when it is determined that it is sought for the purpose of persecution or punishment based on religion, nationality, opinions, or race.

Those sought for political crimes or related acts will not be extradited. Acts of terrorism, mass murder, and genocide are not classified as such.

Article 38

All Peruvians have the duty to honor Peru and to protect its national interests, as well as to respect, obey, and defend the Constitution and the Nation's code of laws.

Chapter IV

Concerning the Civil Service

Article 39

All public officials and government employees serve the Nation. The President of the Republic holds the highest office in the land, followed, in order by: members of Congress, Cabinet ministers, members of the Constitutional Court and the Council of the Magistracy, Supreme Court justices, the prosecutor general, and the public defender, who are of equal rank; and the representatives of decentralized organizations and mayors, according to the law.

Article 40

The law regulates entry into the administrative career and the rights, duties, and liability of public servants. The civil service does not include officials holding political posts or posts of trust. No official or public servant may hold more than one position or public post for pay, with the exception of one more per teaching position.

Workers employed by government-owned enterprises or joint public and private ventures do not belong to the civil service.

The income which high officials and other public servants named by law receive for any purpose must, by reason of their post, be published periodically in the DIARIO OFICIAL.

Article 41

Officials and public servants stipulated by law or who administer or handle government funds or the funds of agencies funded by the government must make a sworn statement of their assets and income upon assuming office, during their term in office, and upon leaving office. Such information is published in the DIARIO OFICIAL in the manner and according to the terms set forth by law.

When there is a presumption of illicit enrichment, the prosecutor general is required, as a result of reports from third parties or at the government's initiative, to file charges with the Judicial Branch.

The law establishes the responsibility of officials and public servants, as well as the time they will remain ineligible for public office.

The time of ineligibility is doubled in the case of crimes committed against government property.

Article 42

The right of public servants to form unions and strike is recognized. This right does not extend to government officials with decision-making powers, those who hold posts of trust or management, or members of the Armed Forces and the National Police.

Section II

Concerning the Government and the Nation

Chapter I

Concerning the Government, the Nation, and the Territory

Article 43

Peru is a democratic, social, independent, and sovereign republic.

The State is one and indivisible.

Its government is unitary, representative, and decentralized. It is organized based on the principle of the separation of powers.

Article 44

The prime duties of the government are: to defend national sovereignty, guarantee full enjoyment of human rights, protect the people from threats to their security, and promote the general welfare based on justice and the complete and balanced development of the Nation.

It is also the duty of the government to establish and carry out border policy and promote integration, particularly of Latin America, as well as the development and cohesiveness of border zones, in keeping with foreign policy.

Article 45

Power emanates from the people. Those who exercise it do so within the limitations of and in accordance with the responsibilities set forth by the Constitution and the law.

No person, organization, Armed Force, National Police force, or group of people may arrogate to themselves the exercise of such power. To do so constitutes rebellion or sedition.

Article 46

No one owes obedience to a usurper government or to anyone who assumes public office in violation of the Constitution and the law.

The civil population has the right to rise up in defense of the constitutional order.

The acts of those who usurp public office are null and void.

Article 47

Defending the interests of the government is the responsibility of the attorneys general in accordance with the law. The government is free from the obligation of paying court costs.

Article 48

Spanish and, in areas where they predominate, Quechua, Aymara, and other native tongues are official languages, according to the law.

Article 49

The capital of the Republic of Peru is the city of Lima. Its historical capital is the city of Cusco.

Our nation's symbols are the flag with three vertical red, white, and red stripes, the coat of arms, and the national anthem, as established by law.

Article 50

Within an independent and autonomous system, the government recognizes the Catholic Church as an important element in the historical, cultural, and moral formation of Peru and lends it its cooperation.

The government respects other denominations and may establish forms of cooperation with them.

Article 51

The Constitution prevails over any other legal norm, the law over other lower-ranking standards, and so on successively. Publicity is essential in order to enforce any standard of government.

Article 52

Peruvians by birth are those born within the nation's territory and those born abroad of a Peruvian father or mother and duly registered while still minors.

Those who acquire the nationality by naturalization or choice are also Peruvians as long as they maintain a residence in Peru.

Article 53

The law defines the ways in which the nationality may be acquired or taken away.

Peruvian nationality cannot be lost unless it is specifically renounced before Peruvian authorities.

Article 54

The national territory is inalienable and inviolable. It includes the soil, subsoil, maritime dominion, and air space above it.

The nation's maritime dominion includes the sea adjacent to its coast, the ocean floor, and the subsoil extending out to a distance of 200 maritime miles measured from base lines established by law.

The nation enjoys sovereignty and jurisdiction over its maritime dominion, without prejudice to the freedom of international communication, in accordance with the law and treaties ratified by the government.

The nation exercises sovereignty and jurisdiction over the air space above its territory and adjacent sea extending out to a distance of 200 miles, without prejudice to the freedom of international communication, in accordance with the law and treaties ratified by the government.

Chapter II

Concerning Treaties

Article 55

Treaties concluded by the government and now in effect are part of national law.

Article 56

Treaties must be approved by Congress before their ratification by the president, whenever they deal with the following subjects:

1. human rights;
2. the nation's sovereignty, dominion, or territorial integrity;
3. national defense; and
4. financial obligations of the government.

Congress must also approve treaties that create, modify, or eliminate taxes, those requiring the modification or derogation of any law, and those requiring legislative measures for their application.

Article 57

The President of the Republic may conclude or ratify treaties or abide by them without previous approval by Congress in areas not contemplated by the preceding article. In all cases, he must report to Congress.

When a treaty affects constitutional provisions, it must be approved by the same procedure governing reform of the Constitution before ratification by the President of the Republic.

The President has the power to denounce treaties, but he must report to Congress. In the case of treaties subject to congressional approval, such denunciation requires previous approval by Congress.

Section III

Concerning the Economic System

Chapter I

General Principles

Article 58

Private enterprise is free and is practiced within a social, market economy. Under this system, the government guides the country's development and is mainly active in the areas of the promotion of employment, health, education, security, public services, and infrastructure.

Article 59

The government promotes the creation of wealth and guarantees the freedom to work and the freedom of private enterprise, commerce, and industry. Exercising these freedoms must not be harmful to the public's morals, health, or safety. The government provides sectors suffering from inequalities opportunities for advancement and to that end promotes small businesses of all types.

Article 60

The government recognizes economic pluralism. The national economy is based on the coexistence of several forms of ownership and enterprise.

Authorized solely by an express law, the government may subsidiarily engage in business activities, directly or indirectly, for reasons of overriding public interest or manifest national benefit.

Business activity receives the same legal treatment, whether public or private.

Article 61

The government promotes and oversees free competition. It fights any practice that would limit it and the abuse of dominant or monopolistic positions. No law or arrangement may authorize or establish monopolies.

The press, radio, television, and other means of expression and social communication and, in general, enterprises, goods, and services relating to the freedom of expression and communication, cannot be the object of exclusivity, a monopoly, or hoarding, either directly or indirectly, by the government or private parties.

Article 62

The freedom to make contracts guarantees that the parties may make valid agreements in accordance with standards in force at the time of the contract. Contractual terms may not be modified by law or any other kind of provision. Conflicts deriving from the contractual relationship may be solved only by arbitration or in the courts, in accordance with the protective mechanisms provided for in the contract or contemplated by law.

By means of union contracts which the government has made official for entire industries, the government may provide guarantees and grant security. The latter may not be modified legislatively, without prejudice to the protection provided for in the preceding paragraph.

Article 63

National and foreign investments are subject to the same terms. The production of goods and services and foreign trade are free. If another country or other countries should adopt protectionist or discriminatory measures detrimental to the national interest, the government may adopt analogous measures to defend that interest.

In any contract of the government and public law persons with resident foreigners, the latter will be subject to the nation's laws and jurisdictional organs and surrender any diplomatic claims. Contracts of a financial nature may be excepted from national jurisdiction.

The government and other public law persons may submit disputes deriving from contractual relationships to courts set up by virtue of existing treaties. They may also submit them for national or international arbitration in the manner provided by law.

Article 64

The government guarantees the free possession and use of foreign currency.

Article 65

The government defends the interests of consumers and users. For this purpose, it guarantees the right to information concerning goods and services available to them on the market. In particular, it watches over the people's health and safety.

Chapter II

Concerning the Environment and Natural Resources

Article 66

All natural resources, renewable and nonrenewable, are the nation's patrimony. The government enjoys the sovereign right to their development.

Organic laws define the terms for their use and concession to private parties. Such concessions grant real rights to the holders subject to such laws.

Article 67

The government determines the nation's environmental policy. It promotes the sustainable use of its natural resources.

Article 68

The government has an obligation to promote the conservation of biological diversity and protected natural areas.

Article 69

The government promotes the sustainable development of the Amazon Region through proper legislation.

Chapter III

Concerning Property

Article 70

The right to own property is inviolable and guaranteed by the government. It is exercised in keeping with the common good and within the confines of the law. No one may be deprived of his property except for reasons of national security or public need, declared by law and following cash payment of the appraised value, which must include compensation for potential damages. Proceedings have been instituted before the Judicial Branch to challenge the value of property which the government has established in the expropriatory procedure.

Article 71

Concerning property, foreigners, whether individuals or corporations, enjoy the same rights as Peruvians except that they may in no instance invoke special situations or diplomatic protection.

However, within a distance of 50 kilometers from the border, foreigners may not acquire or own for any reason mines, land, forests, water, fuel or energy sources, either directly or indirectly, individually or in partnership, under penalty of surrendering that acquired right to the government. The sole exception is the case of public need expressly declared by a supreme decree approved by the Cabinet in accordance with the law.

Article 72

Solely for reasons of national security, the law may temporarily establish restrictions and specific bans on the acquisition, possession, use, and transfer of certain types of property.

Article 73

Public property is inalienable and imprescriptible. Property for public use may be conceded to private parties in accordance with the law for the purpose of economic development.

Chapter IV

Concerning the Tax and Budget System

Article 74

Taxes are created, modified, or abolished and exemptions are granted solely by law or legislative order in the case of the delegation of powers, except in the case of tariffs and rates, which are regulated by supreme decree.

Local governments may create, modify, and eliminate taxes and rates or exempt parties from them within their own jurisdiction and within the limits defined by law. In exercising the power to tax, the government must respect the reserve principles of the law and those governing equality and respect for the basic rights of the individual. No tax may be confiscatory in nature.

Emergency decrees may not contain provisions on taxes. Laws governing annual taxes take effect on the first day of January of the year following their promulgation. Budget laws may not contain provisions on taxes.

Any tax provisions set forth in violation of this article are invalid.

Article 75

The government may guarantee payment of the public debt only when contracted by constitutional governments in accordance with the Constitution and the law.

The government's domestic and foreign debt operations are approved in accordance with the law.

Municipalities may engage in credit operations entailing their own resources and assets without any need for legal authorization.

Article 76

Projects and the purchasing of supplies paid for out of public funds or resources must be based on contracts and put out for public bidding, as must the acquisition or disposal of assets.

Contracting for services and projects whose size and amount are specified in the budget is done by public bidding. The law outlines procedures, exceptions, and responsibilities.

Article 77

The economic and financial administration of the government is governed by the budget passed by Congress annually. The structure of the public sector's budget contains two sections: the Central Government and decentralized agencies.

The budget allocates public resources fairly. Their programming and implementation respond to criteria of efficiency, basic social needs, and decentralization.

The respective districts will, in accordance with the law, receive a suitable share of the income tax collected for the development of natural resources in each zone, as a tax.

Article 78

The President will send the proposed budget to Congress by 30 August of each year.

On that same date, he will also send the debt and financial balancing bills.

The proposed budget must be effectively balanced.

Loans from the Central Bank of the Republic or the National Bank are not entered on the books as fiscal revenue.

Permanent expenditures may not be covered by small loans.

The budget may not be passed without allocation being made for payment on the public debt.

Article 79

Congressional representatives have no power to initiate or increase public spending except with respect to their budget.

Congress cannot approve taxes for predetermined purposes except at the request of the Executive Branch.

In all other cases, tax laws concerning benefits or exemptions require previous notification of the Ministry of Economy and Finance.

Only by an express law passed by two-thirds of the members of Congress can special tax treatment be extended on a selective and temporary basis to a specific area of the country.

Article 80

The Ministry of Economy and Finance defends the revenue proposals before the full session of Congress. Every minister defends the spending proposals for his ministry. The Chief Justice of the Supreme Court, the Prosecutor General, and the Chairman of the National Election Board defend the proposals for their individual institutions.

If the signed Budget Law is not sent on to the Executive Branch by 30 November, the proposed budget goes into effect, promulgated by legislative decree.

Additional credits, financing, and transfers of items are handled by Congress like the Budget Law. During the congressional recess, they are handled by the Standing Committee. Their approval requires the votes of three-fifths of the legal number of members.

Article 81

The General Account, accompanied by the Office of Comptroller General auditor's report, is presented by the President to Congress by 15 November of the year following that of the execution of the budget.

The General Account is examined by and reported upon by a reviewing committee within 90 days of its presentation. Congress votes on passage within 30 days. If Congress fails to vote within that period of time, the ruling of the reviewing committee is sent on to the Executive Branch so that it may promulgate a legislative decree containing the General Account.

Article 82

The Office of Comptroller General is a decentralized entity granted autonomy by law. It is the highest instance of the national comptrolling system. It is responsible for overseeing the execution of the national budget, the management of the public debt, and the activities of institutions that are subjected to the Comptroller.

The Comptroller General is appointed by Congress for seven years on the recommendation of the Executive Branch. He may be removed by Congress for serious misconduct.

Chapter V

Concerning Money and Banking

Article 83

The law determines the nation's monetary system. The issuance of bills and coins is the exclusive power of the government, exercised through the Central Reserve Bank of Peru.

Article 84

The Central Bank is a corporation governed by public law. It enjoys autonomy within the framework of its Charter.

The purpose of the Central Bank is to preserve monetary stability. Its functions are to regulate the currency and credit of the financial system, administer the international reserves for which it is responsible, and perform other functions specified by its Charter.

The Bank informs the country periodically and precisely as to the state of the nation's finances under the responsibility of its Board of Directors.

The Bank may not grant financing to the public Treasury except for the purchase on the secondary market of securities issued by the Treasury within the limits set forth by its Charter.

Article 85

The Bank may engage in credit operations and agreements in order to cover temporary imbalances in the position of international reserves.

It requires legal authorization when the amount of such operations or agreements exceeds the limit set by the budget of the public sector and must report to Congress.

Article 86

The Bank is governed by a Board of Directors having seven members, of which the Executive Branch appoints four, including the Bank president. Congress confirms the latter and appoints the remaining three by an absolute majority of the legal number of its members.

All members of the Bank's Board of Directors are appointed for the same constitutional term being served by the nation's President. They represent no particular entity or interest. Congress may remove them for serious breach of conduct. In the case of such removal, the new directors serve out the remainder of the constitutional term.

Article 87

The government promotes and guarantees saving. The law sets the obligations of and limitations on enterprises that take in the people's savings, as well as the mode and scope of the guarantee.

The Office of Superintendent of Banking and Insurance oversees banking, insurance, and other companies that take in deposits from the public, as well as any others which, because they engage in related and similar operations, are stipulated by law.

The law establishes the organization and functional autonomy of the Office of Superintendent of Banking and Insurance.

The Executive Branch appoints the Superintendent of Banking and Insurance for the period corresponding to its constitutional term of office. Congress confirms the appointment.

Chapter VI

Concerning the Agricultural System and Rural and Native Communities

Article 88

The government gives preferential treatment to agricultural development. It guarantees the right of ownership of the land, whether private, communal, or under any other form of partnership. The law may define boundaries and land area based on the characteristics of each zone.

Land deemed legally abandoned reverts to government ownership and is to be put up for sale.

Article 89

Rural and Native Communities are legally recognized and enjoy legal status.

They are autonomous in terms of their organization, communal working, use and free disposal of their land, as well as economically and administratively within the framework established by law. Ownership of their land is imprescriptible except in the case of abandonment described in the preceding article. The government respects the cultural identity of the Rural and Native Communities.

Section IV

Concerning the Structure of Government

Chapter I

Legislative Branch

Article 90

Legislative power resides in Congress, which consists of a single chamber.

There are 120 congressmen, elected for a five-year term by means of an electoral process organized in accordance with the law. Candidates for the Office of President may not be on lists of congressional candidates. Vice presidential candidates may simultaneously be candidates for seats in Congress.

In order to be elected to Congress, one must be a native-born Peruvian, at least 25 years old, and enjoy the right to vote.

Article 91

The following may not be elected to Congress if they have not left office six months before the election:

1. ministers and deputy ministers, the comptroller general, and regional authorities;
2. members of the Constitutional Court, the National Council of the Magistracy, the Judicial Branch, the Ministry of Justice, the National Election Board, and the public defender;
3. the president of the Central Reserve Bank, the superintendent of banking and insurance, the superintendent of tax administration, the national superintendent of Customs, the superintendent of administrators of private pension funds; and
4. members of the Armed Forces and the National Police on active duty.

Article 92

The office of congressman is a full-time post and members are therefore prohibited from holding any other post or practicing any profession or occupation during the time when Congress is in session.

The office of congressman is incompatible with any other public office except that of Cabinet minister and, with previous authorization from Congress, service on special international commissions.

The office of congressman is also incompatible with such positions as manager, proxy, representative, chief executive officer, attorney, majority shareholder, and members of the board of directors of enterprises which have contracts with the government for projects or supplying and provisioning, or which manage national income or perform public services.

The office is also incompatible with similar posts in enterprises which, during the congressman's term, obtain concessions from the government, or with those in the credit and financial system that are supervised by the Office of Superintendent of Banking and Insurance.

Article 93

Members of Congress represent the nation. They are not subject to any imperative mandate, nor may they be forced to answer questions.

They are not responsible to any authority or organ of jurisdiction because of votes they cast or the opinions they express in exercising their duties.

They may not be tried or taken prisoner without previous authorization from Congress or the Standing Committee from the time they are elected until a month after they leave office except in the case of flagrante delicto, in which case they are turned over to Congress or the Standing Committee within 24 hours so that their taking into custody and trial may or may not be authorized.

Article 94

Congress drafts and approves its own bylaws, which have the force of law, elects members to serve on the Standing Committee and other committees, defines the organization and powers of congressional groups, manages its own finances, passes its budget, appoints and removes its officers and employees, and grants them the proper benefits in accordance with the law.

Article 95

The legislative mandate is unrenounceable.

Disciplinary sanctions which Congress imposes on its members and which entail suspension from their duties may not exceed 120 days of the legislative term.

Article 96

Any congressional representative may ask Cabinet ministers, the National Election Board, the Comptroller General, Central Reserve Bank, the Office of Superintendent of Banking and Insurance, and local governments and the institutions named by law for any information deemed necessary.

The request must be made in writing and be in keeping with congressional bylaws. Failure to response results in legal liability.

Article 97

Congress may initiate investigations into any matter of public interest. Appearance at the request of committees responsible for such investigations is compulsory under the same requirements observed in legal proceedings.

In order to accomplish their purposes, such committees may have access to any information except that involving personal privacy, which may entail the lifting of bank and tax confidentiality. Their conclusions are not binding on jurisdictional organs.

Article 98

The President of the Republic is required to make available to Congress however many members of the Armed Forces and National Police are requested by the president of Congress or the Standing Committee.

The Armed Forces and National Police may not enter the floor of Congress without authorization from its president or the chairman of the Standing Committee.

Article 99

It is the responsibility of the Standing Committee to accuse before Congress: the President of the Republic, members of Congress, Cabinet ministers; members of the Constitutional Court, the National Council of the Magistracy, the Supreme Court of Justice, Supreme Court prosecutors; the public defender and the Comptroller General of the Republic, for any violation of the Constitution or any crime committed while in office or for five years after they have left office.

Article 100

It is the responsibility of Congress, without the participation of members of the Standing Committee, to decide whether or not to suspend the accused official, declare him ineligible for public office for up to 10 years, or remove him from his office, any other responsibility notwithstanding.

During this process, the accused official has the right to defend himself and to have legal counsel when appearing before the Standing Committee and Congress.

In the case of an accusatory resolution of a criminal nature, the prosecutor general files a complaint with the Supreme Court within five days. The Criminal Supreme Court justice then initiates the preliminary investigation.

Acquittal by the Supreme Court restores the political rights of the accused.

The terms of the prosecutor's report and the writ initiating the preliminary investigation may not go beyond or reduce the terms of the congressional charges.

Article 101

Members of the Standing Committee of Congress are elected by the latter. Their number tends to be proportional to that of the representatives in every parliamentary group and may not exceed 25 percent of the total number of congressmen.

The Standing Committee has the following powers:

1. It appoints the Comptroller General acting on the President's recommendation;
2. It confirms the appointment of the president of the Central Reserve Bank and the Superintendent of Banking and Insurance;
3. It approves additional credits, transfers, and the financing of the nation's budget when Congress is in recess; and
4. It exercises the delegation of legislative powers conferred upon it by Congress.

   No matters relating to constitutional reform, the approval of international treaties, organic laws, the budget law and the law containing the nation's General Account may be delegated to the Standing Committee.
5. It also enjoys any other powers assigned to it by the Constitution or outlined in the congressional Bylaws.

Article 102

Congress has the following powers:

1. to pass laws and legislative resolutions, as well as to interpret, modify or rescind those already existing;
2. to ensure respect for the Constitution and the law and do whatever is necessary to hold violators responsible;
3. to ratify treaties or international agreements in accordance with the Constitution;
4. to pass the Budget and General Account;
5. to authorize loans, in accordance with the Constitution;
6. to exercise the right to amnesty;
7. to approve the territorial demarcation proposed by the Executive Branch;
8. to give its consent to foreign troops to enter the nation's territory providing the national sovereignty will in no way be affected;
9. to authorize the President of the Republic to leave the country; and
10. to exercise any other powers set forth by the Constitution and those inherent in the legislative function.

Chapter II

Concerning the Legislative Function

Article 103

Special laws may be passed because they are required by the nature of things, but not because of individual differences.

No law may be retroactive except in criminal cases when it favors the defendant.

A law may be rescinded only by another law. A law may also be declared invalid by virtue of its unconstitutionality.

The Constitution does not protect abuse of the law.

Article 104

Congress may delegate to the Executive Branch the power to legislate by means of legislative orders on the specific subject and for the term established by the authoritative law.

Matters that may not be delegated are not to be delegated to the Standing Committee.

In terms of their promulgation, publication, enforcement, and effects, legislative decrees are subject to the same standards as the law.

The President of the Republic reports every legislative decree to Congress or the Standing Committee.

Article 105

No bill may be sanctioned without first being approved by the respective reviewing committee except for the exception mentioned in the congressional Bylaws. Bills sent to Congress by the Executive Branch and marked urgent have preference.

Article 106

Organic laws will regulate the structure and operation of the government entities provided for in the Constitution, as well as other matters whose regulation by organic law is established by the Constitution.

Organic laws in draft form are handled like any other law. The vote of over half of the legal number of members of Congress is required for their approval or modification.

Chapter III

Concerning the Drafting and Promulgation of Laws

Article 107

The President of the Republic and members of Congress have the right of initiative in drafting laws.

The same right is enjoyed in their own areas by the other branches of government, autonomous public institutions, municipalities, and professional schools. This is also true of citizens who exercise the right of initiative in accordance with the law.

Article 108

A law passed in the manner set forth by the Constitution is sent on to the President of the Republic for promulgation within two weeks. If not promulgated by the President, it will be by the president of Congress or the chairman of the Standing Committee, whichever is appropriate.

If the President of the Republic has observations to make concerning all or part of the law passed by Congress, he presents them to the latter within the aforementioned period of two weeks.

Once the law has been reconsidered by Congress, the president of Congress promulgates it with the vote of over half of the legal number of the members of Congress.

Article 109

A law takes effect on the day after its publication in the DIARIO OFICIAL unless the law itself postpones its enforcement entirely or in part.

Chapter IV

Executive Branch

Article 110

The President of the Republic is the Chief of State and personifies the Nation.

In order to be elected President, a person must be a native-born Peruvian, over 35 years of age at the time of his candidacy, and enjoy the right to vote.

Article 111

The President of the Republic is elected by direct suffrage. The candidate obtaining over half of the votes is elected. Altered or blank votes are not counted.

If none of the candidates obtains an absolute majority, a runoff election is held within 30 days following the proclamation of the official count between the two candidates obtaining the highest relative majorities.

Two Vice Presidents are to be elected at the same time as the President, based on the same requirements and for the same term.

Article 112

The presidential term of office is for five years. The President may be reelected immediately for a second term. Following at least one more constitutional term, the former president may run again, subject to the same conditions.

Article 113

The Office of President falls vacant as a result of:

1. the President's death;
2. his permanent mental or physical incapacitation, declared by Congress;
3. Congress' acceptance of his resignation;
4. his departure from the national territory without permission from Congress or his failure to return within the time agreed upon; and
5. his removal after having been sanctioned for any of the violations mentioned in Article 117 of the Constitution.

Article 114

The exercise of the Office of President is suspended by:

1. the temporary incapacitation of the President, declared by Congress; or
2. his trial in accordance with Article 117 of the Constitution.

Article 115

In the case of a temporary or permanent incapacitation of the President of the Republic, his duties are taken over by the First Vice President or, in his absence, the Second Vice President or, in the absence of both, the President of Congress. If the incapacitation is permanent, the President of Congress immediately calls an election.

When the President leaves the national territory, he is replaced by the First Vice President or, in his absence, the Second Vice President.

Article 116

The President of the Republic is sworn into office before Congress on 28 July of the election year.

Article 117

During his term of office, the President of the Republic may only be accused of: treason; preventing presidential, congressional, regional, or municipal elections; dissolving Congress not in accordance with Article 134 of the Constitution; and preventing its convening or operation or that of the National Election Board or other entities involved in the election process.

Article 118

It is the duty of the President of the Republic to:

1. obey and ensure obedience to the Constitution and all treaties, laws, and other legal provisions;
2. represent the government at home and abroad;
3. direct the government's general policy;
4. guarantee the nation's domestic order and external security;
5. call elections for the Office of President of the Republic and congressional representatives, as well as for the offices of mayor and councilman and other officials, as stipulated by law;
6. convene Congress in special session and, in this case, sign the convocation;
7. send messages to Congress at any time but, obligatorily, a written, personal message when the first regular session of the year convenes. Annual messages are to contain a detailed report on the state of the nation and on whatever improvements and reforms the President deems necessary and suitable for consideration by Congress. Except for the first, the President's messages are approved by the Cabinet.
8. exercise the power of regulating laws without violating or distorting them and, within these limits, issue orders and resolutions;
9. comply and ensure compliance with the rulings and resolutions of jurisdictional organs;
10. comply and ensure compliance with the resolutions of the National Election Board;
11. direct foreign policy and international relations and conclude and ratify treaties;
12. appoint ambassadors and ministers-plenipotentiary, with the approval of the Cabinet and reporting to Congress as required;
13. receive foreign diplomats and authorize consuls to perform their duties;
14. preside over the National Defense System and organize, deploy, and order the use of the Armed Forces and National Police;
15. adopt whatever measures are necessary for the nation's defense, territorial integrity, and sovereignty;
16. declare war and sign the peace, with the authorization of Congress;
17. administer the public treasury;
18. negotiate loans;
19. set forth special measures through emergency orders having the force of law on economic and financial matters when so required by the national interest and reporting to Congress. Congress may modify or rescind such emergency orders.
20. regulate tariff rates;
21. grant pardons and commute sentences; exercise the right of pardon for defendants in cases in which the proceedings have exceeded double the time set plus the extension;
22. confer decorations on behalf of the nation, with the consent of the Cabinet;
23. authorize Peruvians to serve in foreign armies; and
24. exercise other functions of government and administration which the Constitution and the law entrust to him.

Chapter V

Concerning the Cabinet

Article 119

The direction and management of public services are entrusted to the Cabinet and ministers in matters falling within the competency of the ministries they head.

Article 120

Acts of the President that do not have Cabinet approval are null and void.

Article 121

The ministers meeting as a group form the Cabinet. Its organization and duties are determined by law.

The Cabinet has its Prime Minister. It is the task of the nation's President to preside over the Cabinet when he convenes it or when he attends its sessions.

Article 122

The President of the Republic appoints and removes the Prime Minister. He appoints and removes other ministers upon the recommendation and with the approval of the Prime Minister.

Article 123

It is the responsibility of the Prime Minister, who may be a minister without portfolio, to:

1. be, after the President of the Republic, the authorized spokesman for government policy;
2. coordinate the duties of the other ministers; and
3. approve legislative orders, emergency orders, and other orders and resolutions set forth by the Constitution and the law.

Article 124

In order to be a Cabinet minister, one must be a native-born Peruvian, a citizen, and at least 25 years of age. Members of the Armed Forces and the National Police may be ministers.

Article 125

The Cabinet has the power to:

1. approve bills which the President submits to Congress;
2. approve legislative orders and emergency orders issued by the President of the Republic, as well as bills and other orders and resolutions set forth by law;
3. deliberate on matters of public interest; and
4. perform any other duty entrusted to it by the Constitution and the law.

Article 126

Any Cabinet resolution must be approved by a majority of its members and so state.

Ministers may not hold any other public office but legislative.

Ministers may not manage their own interests or the interests of third parties, engage in activities for profit, or be involved in the administration or management of private enterprises or associations.

Article 127

There are no acting ministers. The President may ask a minister to take the place of another, but while retaining his own post and for no more than 30 days, such duties not being transferrable to other ministers.

Article 128

Ministers are responsible individually for their own acts and for presidential acts which they approve.

All ministers are collectively responsible for criminal acts or acts that violate the Constitution or other laws committed by the President of the Republic or that were approved by the Cabinet, even if they make an exception of their vote, unless they immediately resign.

Article 129

The Cabinet as a whole or the ministers individually may attend sessions of Congress and participate in the debate with the same prerogatives as members of Congress except that of voting if they are not congressmen.

They may also attend when they are invited for the purpose of providing information.

The Prime Minister or at least one of his ministers periodically attends the full sessions of Congress during questioning periods.

Chapter VI

Concerning Relations With the Legislative Branch

Article 130

Within 30 days of assuming office, the Prime Minister must go to Congress accompanied by the other Cabinet ministers for the purpose of presenting and debating the government's general policy and the main legislative measures required, proposing them as a question of confidence.

If Congress is not in session, the President will call a special session.

Article 131

Whenever Congress calls upon the Cabinet or any of the ministers to challenge them, their attendance is required.

The challenge must be in writing and submitted by at least 15 percent of the legal number of members of Congress. In order for the challenge to be admitted, a vote of at least one-third of the number of qualified representatives is required. A vote will be taken at the following session.

Congress sets the day and time for ministers to respond to the challenge, which cannot take place or be voted upon before the third or after the tenth day of its acceptance.

Article 132

Congress validates the political responsibility of the Cabinet or of ministers separately through a vote of censure or a "No" vote on the question of confidence. The latter may take place only through the initiative.

Any motion of censure targeting the Cabinet or any minister must be introduced by at least 25 percent of the legal number of members of Congress. Debate and voting take place between the fourth and tenth day after its introduction. Passage requires the vote of over half the legal number of members of Congress.

The censured Cabinet or minister must resign.

The President of the Republic accepts the resignation within 72 hours.

The failure of a ministerial initiative does not force the minister to resign unless passage was made the subject of a vote of confidence.

Article 133

The Prime Minister may present a matter of confidence to Congress on behalf of he Cabinet. If it is rejected or censured or if he resigns or is removed by the President, a total Cabinet crisis results.

Article 134

The President has the power to dissolve Congress if the latter has censured or refused to give a vote of confidence to two Cabinets.

The dissolution order contains a call for elections for a new Congress. Such elections are to be held within four months of the date of dissolution, without any alteration in the existing election system.

Congress may not be dissolved during the last year of his term. Once Congress is dissolved, the Standing Committee continues to function and cannot be dissolved.

There is no other way to revoke the parliamentary mandate.

Congress may not be dissolved under a state of siege.

Article 135

When the new Congress convenes, it may censure the Cabinet or deny it a vote of confidence after the Prime Minister has presented to Congress the acts of the Executive Branch during the parliamentary interregnum.

During that interregnum, the Executive Branch legislates by emergency orders which it submits to the Standing Committee for it to examine and pass on to Congress once it has convened.

Article 136

If elections are not held within the stated time, the dissolved Congress has the right to reconvene, reclaim its powers, and suspend the Cabinet. None of the members of the latter may be appointed to any ministry again during the presidential term.

The Congress elected on a special basis replaces the previous body, including the Standing Committee, and serves out the constitutional term of the dissolved Congress.

Chapter VII

Concerning the State of Emergency

Article 137

The President of the Republic, acting with the consent of the Cabinet, may, for a specific period of time, in all or part of the territory, and while reporting to Congress or the Standing Committee, order the type of state of emergency outlined in this article:

1. a state of emergency in the case of disturbances of the peace or the domestic order, disasters, or serious circumstances affecting the life of the nation. Under such conditions, constitutional rights relating to personal freedom and security, the inviolability of the home, and the freedom to assemble and move about within the territory, as provided in paragraphs 9, 11, and 12 of Article 2 and paragraph 24 of the same article, may be curtailed or suspended. Under no circumstances may the punishment of exile be imposed.

   The state of emergency may not exceed 60 days. Its extension requires a new order. Under a state of emergency, the Armed Forces assume control of domestic law and order when the President of the Republic so orders.

2. a state of siege in the case of invasion, foreign or civil war, or the imminent danger that such an event might occur, accompanied by a specific list of the fundamental rights that are not curtailed or suspended. Such a state of siege may not exceed 45 days. When a state of siege is declared, Congress has the right to convene. Its extension requires congressional approval.

Chapter VIII

The Judicial Branch

Article 138

The power to administer justice emanates from the people and is exercised by the Judicial Branch through its hierarchical organs based on the Constitution and the law.

In any trial, in the case of incompatibility between a constitutional standard and a legal standard, judges are to rule by the former. Likewise, they will rule by the legal standard over any other lower-ranking standard.

Article 139

The jurisdictional function has the following principles and rights:

1. sole, exclusive right to the jurisdictional function.

   There does not exist, nor may there be established, any independent jurisdiction except arbitration and the military courts.

   Trial by committee or delegation is prohibited.

2. independence in the exercise of the jurisdictional function.

   No authority may take over cases pending before the jurisdictional organ or interfere in the exercise of its functions. Nor may it fail to enforce resolutions that have been supported, halt proceedings under way, modify sentences, or delay their execution. These provisions do not affect the right to pardon or Congress' power of investigation, the exercise of which must nevertheless not interfere in the jurisdictional proceedings or have any jurisdictional effect.

3. the observance of due process and protection of the law.

   No person may be diverted from a jurisdiction predetermined by the law, subjected to proceedings other than those previously established, or tried by special courts or commissions created for the purpose, whatever the denomination.

4. publicity of trials, unless otherwise stipulated by law.

   Trials involving the responsibility of public officials, crimes committed through the press, and those involving fundamental rights guaranteed by the Constitution are always public.

5. written motivations of judicial resolutions in all instances except merely procedural decrees, with express mention of the applicable law and the de facto grounds on which they are based.

6. the plurality of the action.

7. damages in the manner prescribed by law for legal errors in criminal trials and arbitrary arrests, proper responsibility notwithstanding.

8. the principle of not allowing justice to be administered by a legal vacuum or deficiency.

   In such cases, the general principles of law and common law must be applied.

9. the principle of the inapplicability by analogy of criminal law and of standards that limit rights.

10. the principle of not being punished without a trial.

11. application of the law most favorable to the defendant in the case of doubt or conflicting criminal laws.

12. the principle of not being convicted in absentia.

13. the ban on reopening closed cases with a writ of execution. Amnesty, pardon, final stays, and prescription produce the same effect as judgments.

14. the principle of not being deprived of the right of defense at any stage of the trial. Every person is to be notified immediately and in writing of the causes or reasons for his arrest. In addition, he has the right to communicate in person with and be advised by the legal counsel of his choice upon being summoned or arrested by authorities.

15. the principle that every person must be informed immediately and writing of the causes or reasons for his arrest.

16. the principle of the free administration of justice and free defense for persons of limited means and for everyone in cases stipulated by law.

17. the people's participation in the appointment and removal of judges, in accordance with the law.

18. the obligation of the Executive Branch to provide cooperation in trials when required.

19. the ban on exercising the legal function by anyone not appointed in the manner prescribed by the Constitution or the law. Jurisdictional organs may not confer such a post, under penalty of liability.

20. the right of any person to formulate an analysis and criticism of judicial resolutions and judgments, with legal limitations.

21. the right of inmates and those convicted to be suitably housed.

22. the principle that the purpose of the prison system is the reeducation, rehabilitation, and reintegration of the convict into society.

Article 140

The death penalty may be applied only for the crimes of treason in wartime and of terrorism, in accordance with the laws and treaties by which Peru is bound.

Article 141

The Supreme Court will rule on appeal or as the last resort when the proceedings are instituted in a Superior Court or before the Supreme Court itself in accordance with the law. Likewise, it will hear upon appeal the resolutions of Military Tribunals, with the limitations set forth in Article 173.

Article 142

The resolutions of the National Election Board concerning election matters may not be reviewed, nor may those of the National Council of the Magistracy having to do with the evaluation and confirmation of judges.

Article 143

The Judicial Branch is made up of jurisdictional organs that administer justice on behalf of the nation and by organs that exercise their government and administration.

The jurisdictional organs are: the Supreme Court of Justice and the rest of the courts and jurisdictions determined by their charters.

Article 144

The Chief Justice of the Supreme Court is also the head of the Judicial Branch. The Supreme Court in session is the highest organ of deliberation of the Judicial Branch.

Article 145

The Judicial Branch submits its proposed budget to the Executive Branch and defends it before Congress.

Article 146

The jurisdictional function is incompatible with any other public or private activity with the exception of teaching in a university when the court is not in session.

Judges receive only the compensation assigned to them by the budget and income from teaching or other tasks expressly defined by law.

The government guarantees court judges:

1. their independence. They must abide solely by the Constitution and the law.
2. irremovability. They may not be transferred without their consent.
3. continuation in service as long as they observe proper conduct and are fit for office; and
4. compensation assuring them of a standard of living in keeping with their office and rank.

Article 147

In order to be a Supreme Court Justice, one must:

1. be a native-born Peruvian;
2. be a practicing citizen;
3. be at least 45 years of age; and
4. have served as a Superior Court judge or a Superior Court prosecutor for 10 years, or have practiced or taught law for 15 years.

Article 148

Administrative resolutions that definitely end a case may be challenged by administrative action.

Article 149

Authorities of the Peasant and Native Communities, with the support of the Peasant Patrols, may exercise jurisdictional functions within their territory in accordance with common law, provided they do not violate the fundamental rights of the individual. The law sets forth the manner of coordinating that special jurisdiction with the Offices of Justice of the Peace and other instances of the Judicial Branch.

Chapter IX

Concerning the National Council of the Magistracy

Article 150

The National Council of the Magistracy is responsible for the selection and appointment of judges and prosecutors, except when the latter are elected by the people.

The National Council of the Magistracy is independent and is governed by its charter.

Article 151

The Academy of the Magistracy, which is part of the Judicial Branch, is responsible for the education and training of judges and prosecutors at all levels, for the purpose of their selection.

Successful completion of the special studies required by the Academy is a requirement for promotion.

Article 152

Justices of the Peace are elected by the people.

That election, their requirements, jurisdictional performance, training, and continuing service are governed by law.

The law may stipulate the election of judges of the first instance and determine pertinent mechanisms.

Article 153

Judges and prosecutors may not engage in politics, join unions, or strike.

Article 154

The duties of the National Council of the Magistracy include the following:

1. appointing judges and prosecutors at all levels based on merit examinations and personal evaluation. Such appointments require the affirmative vote of two-thirds of the legal number of its members.
2. confirming judges and prosecutors at all levels every seven years. Those not confirmed may not be readmitted to the Judicial Branch or the Ministry of Justice. The confirmation process is independent of disciplinary measures.

3. applying the sanction of removal to Justices of the Supreme Court and prosecutors at the Supreme Court and, at the request of the Supreme Court or Board of Supreme Court Prosecutors respectively, judges and prosecutors of all instances. The final resolution, supported and following a hearing with the party in question, may not be challenged.

4. extending to judges and prosecutors the official title accrediting them.

Article 155

The National Council of the Magistracy includes the following members, in accordance with the relevant law:

1. one elected by the entire Supreme Court voting by secret ballot;

2. one elected by secret ballot by the Board of Supreme Court Prosecutors;

3. one elected by the members of the country's Bar Associations by secret ballot;

4. two elected by secret ballot by the members of the country's other professional associations, in accordance with the law;

5. one elected by secret ballot by the rectors of the national universities; and

6. one elected by secret ballot by the rectors of the private universities.

The number of members of the National Council of the Magistracy may be expanded by the latter to nine, with two additional members elected by secret ballot by the Council itself from individual lists proposed by the institutions representing the labor and business sectors.

Titular members of the National Council of the Magistracy are elected, together with their alternates, for a period of five years.

Article 156

The requirements for being a member of the National Council of the Magistracy are the same as those for being a Supreme Court Justice, except as provided by Article 147, paragraph 4. A member of the National Council of the Magistracy enjoys the same rights and benefits and is subject to the same obligations and incompatibilities.

Article 157

Members of the National Council of the Magistracy may be removed for grave cause by means of a congressional resolution passed with the affirmative votes of two-thirds of the legal number of members.

Chapter X

Concerning the Ministry of Justice

Article 158

The Ministry of Justice is autonomous. It is headed by the nation's Prosecutor General. He is elected by the Board of Supreme Court Prosecutors. The Office of Prosecutor General serves a three-year term that may be extended by reelection, but only for two more years. Members of the Ministry of Justice have the same rights and prerogatives and are subject to the same obligations as those of the Judicial Branch in their respective spheres. Their appointment is subject to requirements and procedures identical to those governing members of the Judicial Branch in their respective spheres.

Article 159

It is the responsibility of the Ministry of Justice to:

1. institute proceedings officially or in response to a petition to defend legality and public interests protected by law;

2. ensure the independence of jurisdictional organs and the lawful administration of justice;

3. represent society in legal proceedings;

4. initiate criminal investigations from the beginning. For that purpose, the National Police are required to obey orders from the Ministry of Justice in their sphere.

5. bring criminal action officially or in response to a petition;

6. issue an opinion previous to judicial resolutions in cases stipulated by law; and

7. exercise the initiative in the drafting of laws and report to Congress or the President concerning lacunae or flaws in legislation.

Article 160

The proposed budget of the Ministry of Justice is approved by the Board of Supreme Court Prosecutors. It is submitted to the Executive Branch and defended before it and Congress.

Chapter XI

Concerning the Office of Public Defender

Article 161

The Office of Public Defender is autonomous. Public agencies are required to cooperate with the Office of Public Defender when the latter so requires.

Its structure nationally is defined by a charter.

The Public Defender is elected and removed by Congress with the vote of two-thirds of its legal number. It enjoys the same immunity and prerogatives as congressmen.

In order to be elected Public Defender, one must be at least 35 years of age and be an attorney.

The term is for five years and is not subject to any special mandate. It has the same incompatibilities as Supreme Court Justices.

Article 162

It is the duty of the Office of Public Defender to defend the constitutional and fundamental rights of the individual and the community and to ensure compliance with the duties of the government administration and the provision of public services to the citizens.

The Public Defender reports to Congress once a year and whenever the latter so requests. He may initiate laws. He may propose measures facilitating improved performance of his duties.

The proposed budget of the Office of Public Defender is submitted to the Executive Branch and defended by the Public Defender before it and Congress.

Chapter XII

Concerning Security and National Defense

Article 163

The government guarantees the nation's security by means of the System of National Defense.

National Defense is integral, permanent, and conducted internally and externally. Every individual and corporation is required to participate in the national defense in accordance with the law.

Article 164

The direction, planning, and execution of national defense are executed through a system whose organization and functions are determined by law. The President heads the System of National Defense.

The law determines the scope and procedures of mobilization for the purposes of national defense.

Article 165

The Armed Forces are comprised of the Army, Navy, and Air Force. Their prime purpose is to guarantee the nation's independence, sovereignty, and territorial integrity. They take control of domestic law and order in accordance with Article 137 of the Constitution.

Article 166

The fundamental purpose of the National Police is to guarantee, maintain, and restore domestic law and order. They lend aid and protection to individuals and the community. They guarantee compliance with the law and the security of public and private property. They prevent, investigate, and fight crime. They guard and control the borders.

Article 167

The President of the Republic is the Commander in Chief of the Armed Forces and the National Police.

Article 168

The respective laws and regulations determine the organization, duties, areas of specialization, training, and use and govern the discipline of the Armed Forces and National Police.

The Armed Forces organize their reserves and utilize them based on national defense needs, in accordance with the law.

Article 169

The Armed Forces and the National Police are not deliberative bodies. They are subordinate to constitutional power.

Article 170

The law assigns funds allocated for the logistical requirements of the Armed Forces and the National Police. Such funds must be devoted exclusively for institutional purposes, under the control of the authority stipulated by law.

Article 171

The Armed Forces and National Police participate in the country's economic and social development and in civil defense in accordance with the law.

Article 172

The Executive Branch determines the size of the Armed Forces and National Police annually. Their funding is approved in the budget.

Promotions are conferred in accordance with the law. The President grants the promotions of generals and admirals in the Armed Forces and of generals in the National Police, on the recommendation of the institution in question.

Article 173

In case of crimes committed while on duty, members of the Armed Forces and National Police are turned over to their respective jurisdictions and the Code of Military Justice. The latter's provisions are not applicable to civilians except in the case of crimes of treason and terrorism as determined by law. The appeal to which Article 141 refers is applicable only when the death penalty is imposed.

Anyone violating the standards of Compulsory Military Service is also subject to the Code of Military Justice.

Article 174

Ranks and honors, pay, and retirement pensions for officers in the Armed Forces and the National Police are equivalent. The law establishes the corresponding equivalencies for career military or police personnel without any officer's rank or place in the hierarchy.

In both cases, the rights set forth may be taken away from their holders only by a court ruling.

Article 175

Only the Armed Forces and National Police may possess and use the weapons of war. All those that exist, as well any that are manufactured or brought into the country, become government property without any legal process or compensation.

The manufacture of weapons of war by private industry in cases defined by law is excepted.

The law regulates the manufacture, trade-in, possession and use by private parties of weapons other than for war.

Chapter XIII

Concerning the Electoral System

Article 176

The purpose of the electoral system is to ensure that voting expresses the free, authentic, and spontaneous will of the citizenry and that elections are an exact and timely reflection of the will of voters expressed at the polls by direct suffrage.

Its basic function is the planning, organization, and execution of the election or referendary processes or other consultations of the people; the maintenance and safekeeping of a single record of identification of persons; and a record of acts modifying their civil status.

Article 177

The electoral system is composed of the National Election Board, the National Office of Election Procedures, and the National Identification and Civil Registry. They are autonomous and coordinate their work in accordance with their authority.

Article 178

It is the task of the National Election Board to:

1. oversee the legality of suffrage and the conduct of election, referendary, and consultative processes, as well as the constitution of election rolls;
2. maintain and ensure the safekeeping of the registry of political organizations;
3. ensure compliance with standards governing political organizations and other provisions having to do with elections;
4. administer justice in electoral matters;
5. proclaim the candidates elected, the result of the referendum or other consultation, and issue the corresponding credentials; and
6. perform any other task provided by law.

In election matters, the National Election Board may initiate laws.

It submits to the Executive Branch the proposed budget for the election system with separate entries for every entity in the system. It defends the budget before the Executive Branch and Congress.

Article 179

The highest authority of the National Election Board is a plenum made up of five members:

1. one elected by secret ballot by the Supreme Court from among its retired or active justices. In the latter case, the elected member is granted leave. The representative from the Supreme Court heads the National Election Board.
2. one elected by secret ballot by the Board of Supreme Court Prosecutors from among the retired or active Supreme Court prosecutors. In the latter case, the elected member is granted leave.
3. one elected by secret ballot by the Lima Bar Association from among its members;
4. one elected by secret ballot by the deans of the Law Schools of the national universities from among their former deans; and
5. one elected by secret ballot by the deans of the Schools of Law of the private universities from among their former deans.

Article 180

Members of the National Election Board plenum may not be under 45 years of age or over 70. They are elected for a four-year term and may be reelected. The law establishes the manner of alternating elections every two years.

The office is a remunerated, full-time post. It is incompatible with any other public office except for part-time teaching.

No one may be a member of the Board plenum who is a candidate for elective office, citizens holding national leadership posts in political organizations, or those who have held such posts during the four years preceding their candidacy.

Article 181

The National Election Board plenum evaluates the facts conscientiously. It resolves issues based on the law and general legal principles. In matters relating to elections, referenda, or other consultations, its resolutions are handed down as final and definitive and may not be reviewed. They may not be appealed.

Article 182

The head of the National Office of Election Processes is appointed by the National Council of the Magistracy for a renewable four-year term. He may be removed by the Council itself for serious misconduct. He is subject to the same incompatibilities that govern members of the National Election Board plenum.

It is his task to organize all election, referendary, and other consultative processes, including their budget, and to draft and design the voting card. It is also his task to deliver certificates of election and other materials needed for elections and to publicize results. He provides continuing information on vote-counting from the time voting starts at the polls. He performs any other duties outlined by law.

Article 183

The head of the National Identification and Civil Registry is appointed by the National Council of the Magistracy for a renewable four-year term. He may be removed by the Council for serious misconduct. He is subject to the same incompatibilities outlined for members of the National Election Board plenum.

The National Identification and Civil Registry is responsible for the registration of births, marriages, divorces, deaths, and other acts modifying civil status. It issues the appropriate certificates. It keeps and updates election rolls. It provides the National Election Board and National Office of Election Processes with the information they need to perform their duties. It maintains the identification records of citizens and issues documents proving their identity.

It performs any other duties outlined by law.

Article 184

The National Election Board declares the nullity of an election process, referendum or any other consultation when the sum total of voided or blank votes, combined or separately, exceeds two-thirds of the number of votes cast.

The law may establish different ratios for municipal elections.

Article 185

In any election, referendum, or any other type of consultation, votes are counted publicly and uninterruptedly at the polls. There may be a recount only in cases of a material error or challenge, which are resolved according to the law.

Article 186

The National Office of Election Processes issues the instructions and provisions needed to maintain order and protect personal freedom during elections. These provisions must be complied with by the Armed Forces and National Police.

Article 187

In pluripersonal elections, there is proportional representation in accordance with the system established by law.

The law contains special provisions to facilitate the voting of Peruvians residing abroad.

Chapter XIV

Concerning Decentralization, the Regions, and Municipalities

Article 188

Decentralization is a continuing process whose purpose is the overall development of the country.

Article 189

The nation's territory is divided into regions, departments, provinces, and districts [distritos], in whose subdistricts [circunscripciones] unitary government is exercised in a decentralized, deconcentrated manner.

Article 190

The regions are set up by the initiative and mandate of the people belonging to one or more adjacent departments. Contiguous provinces and districts [distritos] may also integrate or change constituencies [circunscripciones].

In both cases, a referendum will be held in accordance with the law.

Article 191

Provincial and district municipalities and those delegated in accordance with the law are the organs of local government. They have political, economic, and administrative autonomy in matters within their competency.

Normative and supervisory duties are the responsibility of the Council, while the Office of Mayor has executive duties.

Their mandate is revocable but irrenounceable. They enjoy the prerogatives set forth by law.

Article 192

The municipalities have competency to:

1. approve their internal organization and budget;
2. administrate their property and revenue;
3. create, modify, and eliminate taxes, rates, judgments, licenses, and municipal duties;
4. organize, regulate, and administer local public services under their responsibility;
5. plan the urban and rural development of their districts and execute the corresponding plans and programs;

6. participate in the management of the activities and services inherent in government, in accordance with the law; and

7. any other duties determined by law.

Article 193

The municipalities' property and revenue include:

1. their own property and income;

2. taxes created by law in their behalf;

3. taxes, rates, judgments, licenses, and duties within their competence created by their Council;

4. the assigned resources of the Municipal Compensation Fund created by law according to municipal tributes;

5. budget transfers from the Central Government;

6. resources belonging to them according to the law; and

7. other resources determined by law.

Article 194

Municipalities may join together or draw up cooperative agreements for the completion of projects and the provision of common services.

Article 195

The law regulates the cooperation of the National Police with municipalities regarding the safety of citizens.

Article 196

The national capital, provincial capitals that are metropolitan areas, and department capitals located on the border have a special regime in the Charter Governing Municipalities.

The same treatment governs the Constitutional Province of Callao and the border provinces.

Article 197

The regions have political, economic, and administrative autonomy in matters within their competence.

Within their jurisdiction, they are responsible for the coordination and execution of regional socioeconomic plans and programs and the management of activities and services inherent in government, in accordance with the law.

Their own property and revenue are established by law. The regions support local governments. They do not take their place or duplicate their action or competency.

Article 198

The organized structure of the regions and their specific functions are governed by charters.

The president and Regional Coordinating Council are the highest regional authorities.

The president of the region is elected by direct suffrage for a five-year term. He can be reelected. His term is revocable, but irrenounceable. He enjoys the prerogatives set forth by law.

The Regional Coordinating Council is made up of the number of members stipulated by law. Provincial mayors or their representatives are legal members of that Council.

Article 199

The regions and municipalities are accountable for the execution of their budget to the Office of Comptroller General. They are audited in accordance with the law.

Section V

On Constitutional Guarantees

Article 200

The following are constitutional guarantees:

1. the right of habeas corpus, which takes effect in the face of an act or omission of any authority, official or person that violates or threatens individual freedom or related constitutional rights;

2. the right to asylum, which takes effect in the fact of an act or omission of any authority, official, or person that violates or threatens other rights recognized by the Constitution. It does not take effect against legal norms or judicial resolutions emanating from regular proceedings.

3. the right to habeas data, which takes effect in the face of an act or omission by any authority, official, or person that violates or threatens the rights referred to in Article 2, paragraphs 5, 6, and 7 of the Constitution;

4. the right of unconstitutionality, which takes effect against norms that have the status of law: laws, legislative decrees, emergency decrees, treaties, congressional regulations, regional norms of a general nature, and municipal ordinances that infringe upon the Constitution in form or in substance;

5. the people's right, which takes effect as the result of the violation of the Constitution and the law, against regulations, administrative norms, and resolutions and decrees of a general nature, regardless of the authority from which they emanate; and

6. the right of compliance, which takes effect against any authority or official who refuses to abide by a legal norm or administrative act, legal liabilities notwithstanding.

A charter regulates the exercise of these guarantees and the effects of the declaration of unconstitutionality or illegality of the norms.

The exercise of the rights of habeas corpus and asylum is not suspended during the enforcement of the states of emergency referred to in Article 137 of the Constitution.

When these rights are invoked with respect to restricted or suspended rights, the competent jurisdictional agency examines the reasonability and proportionality of the restrictive act. It is not up to the judge to challenge the declaration of the state of emergency or siege.

Article 201

The Constitutional Court is the organ that watches over the Constitution. It is autonomous and independent. It is made up of seven members elected for five years.

In order to be a member of the Constitutional Court, one must fulfill the same requirements as for those set for Supreme Court Justices. Members of the Constitutional Court enjoy the same immunity and prerogatives as congressmen. The same incompatibilities apply to them. There is no immediate reelection.

Members of the Constitutional Court are elected by Congress with the favorable vote of two-thirds of the legal number of its members. Judges and prosecutors who have not left their posts a year in advance may not be elected as Constitutional Court judges.

Article 202

It is the task of the Constitutional Court to:

1. hear, without appeal, the right of unconstitutionality;
2. hear, as the last and final resort, resolutions denying habeas corpus, the right to asylum, the right to habeas data, and the right to compliance; and
3. hear conflicts of competency or over powers assigned by the Constitution, in accordance with the law.

Article 203

The following are empowered to file for the right to unconstitutionality:

1. the President;
2. the Prosecutor General;
3. the Public Defender;
4. 25 percent of the legal number of congressmen;
5. 5,000 citizens whose signatures are verified by the National Election Board. If the norm is a municipal ordinance, it may be challenged by 1 percent of the citizens of the respective territorial unit, provided that this percentage does not exceed the number of signatures previously stated.
6. regional presidents with the approval of the Regional Coordinating Council or provincial mayors with the approval of their Council, in matters within their competence; and
7. professional associations in their sphere of activity.

Article 204

The ruling of the court declaring the unconstitutionality of a norm is published in the DIARIO OFICIAL. The norm becomes invalid on the day following such publication.

The ruling of the court declaring a legal norm to be unconstitutional, wholly or in part, is not retroactive.

Article 205

Having exhausted all domestic appeals, the party deeming itself injured in terms of the rights granted by the Constitution may appeal to international courts or agencies set up by treaties or agreements of which Peru is a subscriber.

Section VI

Concerning Constitutional Reform

Article 206

Any constitutional reform must be passed by Congress with an absolute majority of the legal number of its members and ratified by a referendum. The referendum may be omitted when the consent of Congress is obtained in two successive regular sessions with a favorable vote, in each case, greater than two-thirds of the legal number of congressmen. The constitutional reform law may not be enforced by the President of the Republic.

The right to initiate constitutional reform belongs to the President, with the Cabinet's approval, to congressmen, and to a number of citizens equivalent to 0.3 percent of the voting population and whose signatures are verified by the election authority.

Final and Transitory Provisions

1. Any new compulsory social systems that may be established concerning the retirement pensions of government workers will not affect legally obtained rights, particularly that relating to the regimes of decree-laws 19990 and 20530 and their modifying regulations.
2. The government guarantees the timely payment and a periodic adjustment of pensions which it administers, in accordance with the budget provisions made for such purposes and the possibilities of the national economy.
3. As long as there continue to exist different systems of work between private and public activity, in no instance and for no reason may the benefits acquired under the two systems be accumulative. Any contrary act or resolution is null and void.

4. Norms relating to the rights and freedoms recognized by the Constitution are interpreted in accordance with the Universal Declaration of Human Rights and with international treaties and agreements on those rights that have been ratified by Peru.

5. Municipal elections alternate with general elections so that the former are held halfway through the presidential term, in accordance with the law. To that effect, the term of mayors and town councilors elected during the next two municipal elections will last for three and four years respectively.

6. The term of mayors and town councilors elected in the 1993 election and its complementary elections ends on 31 December 1995.

7. The first general election process held after this Constitution takes effect will be held by single districts as long as the decentralization process continues.

8. The provisions of the Constitution so requiring are the subject of constitutional development laws.

   The following have priority:

   i. decentralization norms and, among them, those making it possible to have new authorities elected in 1995 at the latest; and

   ii. those relating to the mechanisms and process aimed at gradually eliminating legal monopolies granted for concessions and licenses for public services.

9. the election of members of the National Election Board installed in accordance with this Constitution begins with those elected by the Lima Bar Association and the Law Schools of the national universities.

10. The law provides for the manner as well as the offices, officials, and employees of the Civil Registry of local governments and those of the Election Registry belong to the National Identification and Civil Registry.

11. Provisions of the Constitution requiring new or increased public spending are applied gradually.

12. The nation's departmental political organization includes the following departments: Amazonas, Ancash, Apurimac, Arequipa, Ayacucho, Cajamarca, Cusco, Huancavelica, Huanuco, Ica, Junin, La Libertad, Lambayeque, Lima, Loreto, Madre de Dios, Moquegua, Pasco, Piura, Puno, San Martin, Tacna, Tumbes, Ucayali, and the Constitutional Province of Callao.

13. Until the regions are set up and until their presidents are elected according to this Constitution, the Executive Branch determines the jurisdiction of the Transitory Councils of Regional Administration now in office, depending on the area of each of the departments established in the country.

14. Once it has been passed by the Democratic Constituent Congress, this Constitution goes into effect in accordance with the result of the referendum governed by a constitutional law.

15. The provisions of this Constitution relating to the number of congressmen, length of the legislative term, and the Standing Committee do not apply to the Democratic Constituent Congress.

16. Once promulgated, this Constitution replaces the Constitution of 1979.

Declaration

The Democratic Constituent Congress hereby declares that:

Peru, a country in the Southern Hemisphere that is connected with Antarctica by coastlines extending toward it as well as by ecological factors, and its historical background, and in accordance with the rights and obligations it enjoys as an advisory party to the Antarctic Treaty, supports the conservation of the Antarctic as a Peace Zone dedicated to scientific research and the enforcement of an international regime which, without impairing our nation's legitimate rights, promotes for the benefit of all mankind the rational and equitable development of the resources of the Antarctic and guarantees the protection and conservation of the ecosystem of that Continent.

[Signed] Carlos Torres y Torres Lara
Chairman of the Constitutional and Regulatory Commission
Jaime Yoshiyama
President of the Democratic Constituent Congress

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